

**MARYLAND COMMISSION ON KIDNEY DISEASE
OPEN SESSION MEETING MINUTES
Thursday July 29, 2004
4201 Patterson Avenue, Room 108-109**

Commission members present were: Drs. Jeffrey Fink, Joseph Eustace, Kenneth Yim, Dean Taylor, and Tracey Mooney, CPA, Marianne Andrews, RN, Margery Pozefsky and Isaac Joe, Jr, Esquire. **Staff present were:** Eva Schwartz, Executive Director, Carol Manning, Acting Chief KDP, Patricia Nowakowski, Medical Care Operations, Anne Pikuk, RN, Surveyor, OHCQ, Barbara Fagan, OHCQ, Gloria Hammel, LCSW-C, Board of Social Work and Donna Adcock, RN, Commission Surveyor.

Guests present were:

Donna Atwell, Davita
Sharon Culbertson, Davita
Michelle Abbott, Gambro
Leslie Geary-Smith, Davita
Joan Rogers, IDF
Roger Samartino, Novartis
Susanne Talbott, FMC
Rebecca Whitford, IDF
Betty Grandison, Gambro
Pat Shaw, Davita
Karen Walker, Meadow
Amanda Bayless, Gambro
Francine Babineau, FMC
Jennifer Stack, Davita
Toba Hausner, FMC
Chante Head, Gambro
Rodney Carter, Union Memorial
Jean James, FMC
Anne Smith, Ultimate Renal Care

Wynne Bey, Maryland Kidney Care
Vanessa Ajay, Maryland General
Maria McDonough, Charing Cross Dialysis
Phyllis Oresky, Holy Cross
Mitra Noubaher, Davita
Dr. Michael Hall, Novartis
Heather Gould, Bon Secours
Judith Plaut, Davita
Tricia Restivo, IDF
Sherry Weaver-Snook, Meadow
Anne Marie Gregory, FMC
Diane Johnson, Gambro
David Brown, Davita
Rachel Boro, FMC
Ethel Shiancoe, Gambro
Gloriann Herman, Good Samaritan
Linda Gordon, Holy Cross
Vernita Amos, Gambro
Elaine Boyd, Davita

I. APPROVAL OF APRIL 29, 2004 MINUTES

The Commission approved the Open Session minutes as submitted.

II. CHAIRMAN'S REPORT

Dr. Fink welcomed everyone and reminded the guests that the meeting is an open forum and invited all to participate in an active dialog. He discussed the recent increase of requests from outside sources to add medications to the KDP formulary.

III. EXECUTIVE DIRECTOR'S REPORT

Mrs. Schwartz welcomed everyone and introduced special guests: Anne Piluk, RN and Barbara Fagan from the Office of Health Care Quality, Gloria Hammel, LCSW-C from the Board of Social Work and the Representatives from Novartis. She thanked the social work task force for all of their hard work and invited them to begin their presentation.

IV. OLD BUSINESS

A. Social Work Task Force Presentation

Anne Marie Gregory presented the Social Work Task Force's findings regarding social work services, staffing patterns and job performance in the State. The group noted that social work services provided to patients varied from facility to facility. The task force emphasized that all patients are entitled to equal services. The Task Force's survey found that 55% of full time social workers in the State carry case loads of greater than 115 patients. Mrs. Schwartz reported that the Commission has received many calls from patients and facilities regarding dealing with complex patients, thus the evident need for comprehensive and timely social work services. Dr. Fink and Ms. Schwartz congratulated the task force on their efforts and elegant presentation. Dr. Fink noted that the Commission would need time to deliberate and formulate ideas about the presented information and the privileged Commission information.

B. Sensipar

Dr. Fink reported that the Commission has not made a decision regarding adding Sensipar to the KDP formulary at this time.

C. KDP Drug Formulary

Dr. Yim has been working on a list of drugs covered by the KDP that is easy to read and readily accessible to the renal community. Dr. Yim presented the *List of Most Commonly Prescribed Medications* from the KDP formulary. He has requested through Carol Manning an expanded list from First Health. Upon receipt and review of this list, Dr. Yim will include those medications and the KDP formulary website on the list.

V. NEW BUSINESS

A. KDP Statistics and Budget

Ms. Manning presented and discussed the KDP Budget, Statistics, and Expenditure Reports. She noted that \$869,899 that is left over in the budget is an encumbered sum. The KDP recovered more than \$900,000 in drug rebates. Ms. Manning reported that the KDP is processing applications and renewals in less than 30 days.

B. Authorization for Renagel

Mrs. Schwartz reported that the Commission has received a complaint from a physician that First Health was not able to process pre-authorizations for Renagel after business hours or on Holidays and/ or weekends. Ms. Manning reported that she would investigate this allegation. She also informed the guests the KDP would require a specific pre-authorization form for Renagel in the near future.

C. Request for additions to the KDP Formulary-Myfortic and Alphagan

1. Dr. Michael Hall from Novartis presented information on their new drug Myfortic. Novartis is requesting that the KDP add this medication to the KDP formulary. The Commission has taken the request under advisement.

2. -Alphagan (late entry to the agenda)

Mrs. Adcock reported that the Commission would be reviewing a request to add Alphagan eye drops to the KDP formulary.

D. Discharge Policies-Physician Responsibilities

Mrs. Adcock reported that the Commission is receiving complaints from patients and facilities regarding physicians discharging non-compliant patients from their care. When these patients are discharged from the physician the facilities complain that they can no longer care for the patient. Dr. Eustace noted that the physician must comply with the Medical By-laws of the facility. Mrs. Schwartz noted that the physicians have a responsibility to the patients and such cases will be discussed with the Board of Physicians. **Additionally, the Medical Director of each facility is also responsible for ALL activities in the facility (required by Federal and State regulations).**

E. New Social Work Regulations

Ms. Hammel, representing the Board of Social Work Examiners, reviewed the updates to the Board of Social Work's regulations. The revised regulations define supervision regarding requirements for practice vis a vis requirements for supervision. A social worker licensed as a LGSW must be supervised at all times by a LCSW or LCSW-C. Ms. Hammel also discussed the social workers' code of ethics as described in the Social Workers Practice Act. A discussion ensued and Ms. Hammel answered questions on the topic of Social Workers' Practice Act.

F. Licensure Requirement for Nursing Staffing Agencies

Mrs. Schwartz reported that there are new regulations regarding Nursing Staff Agencies. She requested that the guests who use these agencies be aware of the new regulations. The regulatory oversight of the agencies will be transferred from the Maryland Board of Nursing to the Office of Health Care Quality (OHCQ) and each agency must be licensed by the OHCQ.

G. MARC Transplant Objectives

Dr. Fink discussed the Mid-Atlantic Renal Coalition's (MARC) concerns regarding facilities' lack of written transplant policies and poor documentation of patients' transplant status. Discussion ensued and the Commission agreed that the surveyor would include MARC's transplantation goals and objectives for 2003-2004 on each survey and attempt to educate the facilities regarding these objectives during surveys. This information will also be included in the next Commission Newsletter.

H. New Certification

Mrs. Adcock reported that the following facility has requested and received approval for certification:

- Davita Pikesville 7/14/04

I. Change of Ownership

Mrs. Adcock reported that the following facilities have changed ownership:

- Porter Dialysis Centers sold to FMC-NA -6/1/04
- Renal Treatment Centers (Lanham, Takoma and Bowie) sold to Davita 7/1/04

J. Facilities Closed

Mrs. Adcock noted that the Commission has been notified that the following facilities are closed:

- FMC Randallstown 7/24/04
- FMC Woodlawn 7/31/04

K. Complaints

Mrs. Schwartz reported that the Commission has received and investigated the following types of complaints since the last meeting:

Written-None

Verbal

- Patient's daughter complained that she could not receive PD at her nursing home
- Patient's wife complained about inoperable air conditioning at a facility
- Patient's mother complained that patient was illegally discharged from a facility

L. Citation Free Surveys

Mrs. Schwartz commended the following facilities for having accomplished the honorary status of "facility without citations".

Holy Cross Hospital Dialysis Unit, Holy Cross at Woodmore, IDF Lions Manor, and FMC Fort Foote.

M. Commission Approval/Disapproval for KDP Transplant Reimbursement

The following Hospitals have been granted out of state transplant approvals:

Hospital	Granted	Refused
Washington Hospital Center	1	0
Inova Transplant Center @ Fairfax Hosp	0	0
Georgetown University Hospital	0	0

N. Surveys (18)

The Commissioners reviewed the results of the surveys and the deficiencies noted:

Deficiencies

Licensure/ State Laws	3
Governing Body	2
Reports/Incidents	0
Health Supervision	2
Inservice Education Programs	0
Patient Care Policies/Procedures	0
Medical Supervision	0
Long Term Program/Care Plan	10
Patient Rights/Responsibilities	0
Medical Records	8
Physical Environment	5
Preventive Maintenance Programs	1
Water Culture Reports/Water System	8
Contamination Prevention	4
Emergency Preparedness	0
Reuse of Hemodialyzers/Supplies	0
Affiliation Agreements	0
Director of Dialysis Center	0
Staff: RN Coverage	2
Laboratory Services	1
Dietetic Services	0
Social Services	1
Transplantation by Affiliation	0
Abusive and Dangerous Patients	0

Ms. Adcock reported that although 10 facilities were cited for Long Term Program/Care Plan that the number of citation in this category has decreased and it appears that facilities were striving toward improvement. She discussed the increase in the number of Water Culture Reports/Water System citations that were mostly due to cultures/LALs that were abnormal and not followed up upon or cultures that are drawn after the water system is disinfected.

O. Surveys Completed (18)

The following facilities have been surveyed since the last meeting:

Holy Cross Hospital Dialysis Unit	Holy Cross at Woodmore
IDF Lions Manor	Memorial Hospital Dialysis
IDF Allegany	Davita Greenspring
FMC Fort Foote	FMC Fort Washington
GHC Silver Spring	GHC 25 th Street
Davita Easton	Meadow Dialysis
Western MD Hospital	Davita Baltimore County
FMC Metropolitan	FMC Leonardtown
IDF Calvert	
Charing Cross	

It was concluded that the surveys were accepted as presented. If appropriate, follow up corrective action plans would be discussed in the closed session.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq., on a motion made by Dr. Jeffrey Fink and seconded by Tracey Mooney, the Commission unanimously voted to close its meeting on July 29, 2004 at 4:25 p.m., in room 108-109 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.